

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :09.08.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.10925 of 2018

Indira

.... Petitioner

Versus

1. The District Revenue Officer,
Collector Office,
No.62, Rajaji Salai,
Chennai - 600 001.

2. The Tahsildhar,
Saidapet,
Chennai - 600 065.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to issue patta in the petitioner's name regarding the property S. No.4682 measuring about 1890 sq.ft. within a stipulated period.

For Petitioner : Mr. V. Kayalvizhi
For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to issue patta in petitioner's name regarding the property in Survey No.4682 measuring about 1890 sq.ft. within a stipulated period.

2. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is the absolute owner of the property, which is prescribed in the present writ petition. The petitioner inherited the said property through Will executed by her grand mother. Thus, the petitioner is the owner of the property and in that capacity the petitioner submitted an application for grant of patta under the provisions of the Patta Pass Book Act.

3. The learned counsel for the petitioner further states that the 1st respondent has written a letter to the Tahsildhar, stating that the case of the writ petitioner shall be

considered, based on the documents submitted by the writ petitioner. In spite of the directions given by the District Revenue Officer, no action has been taken by the Tahsildar to consider the application submitted by the writ petitioner for grant of patta.

4. This Court is of an opinion that every owner of an immovable property shall submit an application for grant of Patta under the Provisions of the Patta Pass Book Act, 1983.

5. Section 3 of the Act enumerates that an owner is entitled to get Patta Pass book under the provisions of the Act. Thus, if the person, who submits an application for grant of Patta, is able to establish the ownership, then the competent authorities are bound to consider the same and grant patta in accordance with the procedures contemplated under the Act. In the present case on hand, the writ petitioner has submitted an application for grant of patta on 05.03.2018 and the same has not been considered.

6. In view of this fact, this Court is of an opinion that the second respondent Tahsildhar has to consider the application submitted by the writ petitioner and the documents submitted and after conducting a thorough enquiry in respect of the ownership take a decision and pass orders. Accordingly, the second respondent is directed to consider the representation and conduct an enquiry by affording reasonable opportunity to all the parties and consider if there is any counter claim and thereafter, take a decision and pass orders, within a period of twelve weeks from the date of receipt of a copy of this Order. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(co)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

vsi 2/pkn

To

1. The District Revenue Officer,
Collector Office,
No.62, Rajaji Salai,
Chennai - 600 001.

WEB COPY

2. The Tahsildhar,
Saidapet,
Chennai - 600 065.

+1cc to Government Pleader SR.NO.55342
+1cc to M/s.V.Kayalvizhi, Advocate SR.NO.54716

sm:31.8.2018

W.P.No.10925 of 2018
2/2



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